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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,749	02/12/2001	Takanori Yokoi	1232-4682	8899
27123	7590	05/14/2004	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 345 PARK AVENUE NEW YORK, NY 10154			MIZRAHI, DIANE D	
			ART UNIT	PAPER NUMBER
			2175	10

DATE MAILED: 05/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/781,749

Applicant(s)

KIMOTO ET AL.

Examiner

DIANE D. MIZRAHI

Art Unit

2175

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-19, 21, 23, 26, 29-31, 33, 35, 38 and 55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-19, 21, 23, 26, 29-31, 33, 35, 38 and 55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

DIANE D. MIZRAHI
PRIMARY PATENT EXAMINER
TECHNOLOGY CENTER 2106

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claims 17-19, 21,23,26, 29-31, 33, 35, 38 and 55 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 17-19, 21,23,26, 29-31, 33, 35, 38 and 55 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Jay s. Walker et al. (U.S. Patent# 6,341,268 B2 and Walker hereinafter).

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Regarding Claims 17 and 29, Walker teaches an information providing system, comprising: a database for storing sales record information (i.e. a price management table database) (col 55-61); condition displaying means for displaying a selection area in which a list of collecting (i.e. displayed on a video) (col 4, lines 36-46) and summing up methods (i.e. system can automatically print menu... dynamically adjusted) (col 4, lines 36-46) of a plurality of procurement histories (i.e. historical information) (col 4, lines 29-36) is displayed (col 4, lines 36-46) and a condition area to input a search condition on a display screen (col 4, lines 28-36) selection display means for displaying, (col 4, lines 36-46) a collecting and summing up method selected from a list displayed in the selection area i.e. displayed on a video) (col 4, lines 36-46) and summing up methods (i.e. system can automatically print menu... dynamically adjusted) (col 4, lines 36-46) so as to be able to discriminate from the other collecting (figure 3A) and summing up methods (i.e. system can automatically print menu... dynamically adjusted) (col 4, lines 36-46); search means for searching said data base for the sales record information from on a basis of an input condition input in the condition area (col 4, lines 28-36) (col 5, lines 8-20); and display control means for displaying the sales record information searched of by said) (col 4, lines 36-46) search

means on the display means screen on a basis for the collecting)
(col 4, lines 36-46) and summing up method selected from the
list of collecting and summing up methods (i.e. calculate a
bill) (col 5, lines 1-20).

Regarding Claims 18 and 30, Walker teaches wherein the
collecting and summing up method selected from a list displayed
in the selection area includes a method of collecting and
summing up money amount of sales record (i.e. calculate a bill)
(col 5, lines 1-20).

Regarding Claim 19 and 31, Walker teaches collecting and
summing up money amount of sales record includes annually or
monthly collecting and summing up money amount (i.e. inherent by
the how many times the customers has now visited the restaurant
enough times to be entitled to frequent customer status) (col 8,
lines 38-50).

Regarding Claims 21 and 33, Walker teaches wherein the
method of collecting and summing up money amount of sales record
includes collecting-and summing up money amount per first half
and second half term (i.e. by historical information) (col
7, lines 5-15) (see also, i.e. predetermined default prices) (col
8, lines 1-16).

Regarding Claims 23 and 35, Walker teaches wherein the
method of collecting and summing up money amount includes

collecting and summing up money amount per sales items, (Figure 3A) purchasing contact points or customers (col 4, lines 47-57).

Regarding Claims 26 and 38, Walker teaches wherein the search condition includes a sales item, (Figure 3A) a purchasing contact point or a customer (col 4, lines 47-57).

Regarding Claim 55, Walker teaches displaying a selection area in which a list of collecting and summing up methods of a plurality of procurement histories is displayed and a condition area to input a search condition on a display screen (i.e. historical information) (col 4, lines 29-36); displaying a collecting and summing up method selected from a list displayed in the selection area so as to be able to discriminate from the other collecting and summing up methods (i.e. displayed on a video) (col 4, lines 36-46) (i.e. system can automatically print menu... dynamically adjusted) (col 4, lines 36-46); searching data base storing sales record on a basis of an input condition input from the condition area for sales record information that complies the input condition (i.e. a price management table database) (col 55-61); and displaying the sales record information searched for in said search step on the display screen on a basis of the collecting and summing up method selected from the list of collecting and summing up method (i.e. calculate a bill) (col 5, lines 1-20).

Other Prior Art Made of Record

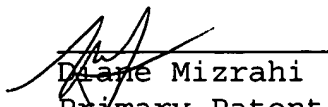
The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diane D. Mizrahi whose telephone number is (703) 305-3806. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on (703) 305-3830. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-9000 for regular communications and (703) 305-9000 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9001.


Diane Mizrahi
Primary Patent Examiner
Technology Center 2100

May 12, 2004